

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE DISTRICT OF SOUTH CAROLINA
ANDERSON DIVISION

Michael Anthony Glover,

Plaintiff,

vs.

Lexington County Detention
Center and Officer NFN Moore,

Defendants.

Civil Action No. 8:05-01622-TLW-BHH

REPORT OF MAGISTRATE JUDGE

The plaintiff brought this action seeking relief pursuant to Title 42, United States Code, Section 1983. On June 20, 2005, this court filed a Report and Recommendation recommending that the complaint be dismissed as to defendant Lexington County Detention Center and further recommending that the complaint be served on defendant Officer NFN Moore.¹ By order also dated June 20, 2005, the plaintiff was advised of his responsibility to notify the court *in writing* if his address changed. Two orders and one notice of this court which subsequently were mailed to the plaintiff have been returned marked "Undeliverable/Released/Return to Sender."²

On October 28, 2005, the defendant Moore filed a motion to dismiss for failure to prosecute. On October 31, 2005, pursuant to *Roseboro v. Garrison*, 528 F.2d 309 (4th Cir. 1975), an order was mailed to the plaintiff's last known address (Lexington County Detention Center, 521 Gibson Road, Lexington, SC 29071) advising him of the summary

¹No objections were filed to the report and recommendation of this court. The district court has not yet acted on the report and recommendation.

²The two orders, granting extensions of time to file dispositive motions, were dated October 11, 2005 and October 14, 2005 (Doc. # 20, 22). In addition, a Notice of Privacy Rights was sent to the plaintiff on February 7, 2006 and was returned as undeliverable on February 16, 2005.

dismissal procedure and the possible consequences if he failed to respond adequately. The plaintiff has filed no response to the motion to dismiss. In fact, the court has had no communication from the plaintiff since the complaint was filed in June, 2005.

Based on the foregoing, it appears the plaintiff no longer wishes to pursue this action. Accordingly, it is recommended that the defendant's motion to dismiss for lack of prosecution be granted.

s/ Bruce H. Hendricks
United States Magistrate Judge

February 17, 2006
Greenville, South Carolina